

No. PD-748-17

KELSEY JO LACKEY

v.

THE STATE OF TEXAS

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§

IN THE COURT OF  
COURT OF CRIMINAL APPEALS  
12/1/2017  
DEANA WILLIAMSON, CLERK  
CRIMINAL APPEALS  
OF TEXAS

**UNOPPOSED MOTION FOR EXTENSION  
OF TIME TO FILE APPELLANT'S BRIEF**

COMES NOW Kelsey Jo Lackey, Appellant in the above-styled and numbered cause, and makes and files this Unopposed Motion for an Extension of Time to file the Appellant's Brief, and in support thereof shows the Court as follows:

I.

The Court granted Appellant's petition for discretionary review on November 1, 2017. The appellant's brief is currently due for filing on December 1, 2017. Appellant requests an additional 3 days to file the brief, extending the deadline until Monday, December 4, 2017. Appellant has not requested any previous extensions.

## II.

Appellant needs additional time to file the appellant's brief because other trial and appellate matters have prevented counsel from preparing the brief in this case.

Since the Court granted the PDR, counsel prepared and filed: (1) a PDR on November 7, 2017 in this Court in cause no. PD-1109-17, *Foley v. State*; (2) a petition for review on November 13, 2017 in the Supreme Court in cause no. 17-0919, *In the Interest of P.E.M., et. al., Children*; (3) a PDR on November 15, 2017 in this Court in cause no. PD-1222-17, *Carney v. State*; and (4) a petition for review on November 27, 2017 in the Supreme Court in cause no. 17-0954, *Martinez v. Martinez*.

In addition, counsel traveled to the State of Florida for the Thanksgiving holidays to spend time with his family and particularly his ailing mother who was battling liver disease and under hospice care.

## III.

Counsel for the State has advised that the State does not oppose this request.

WHEREFORE, PREMISES CONSIDERED, Appellant requests that the Court grant a 3-day extension for the filing of the appellant's brief and such other and further relief to which he may show himself justly entitled.

Respectfully submitted,

/s/ Alan Bennett  
E. Alan Bennett  
SBOT #02140700  
Attorney for Appellant

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### **Certificate of Service**

The undersigned hereby certifies that a true and correct copy of this document has been served electronically on December 1, 2017 to: (1) counsel for the State, Douglas Howell, III, dhowell@brazoscountytexas.gov; and (2) the State Prosecuting Attorney, information@SPA.texas.gov.

/s/ Alan Bennett  
E. Alan Bennett